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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 11

**DECLARATION OF MARK D.
WALDRON IN SUPPORT OF
TRUSTEE'S MOTION FOR ORDER
ENLARGING TIME TO OPPOSE
MOTION FOR APPROVAL OF
CONDOMINIUM SALE**

Tele. Hearing on Principal Relief

Date: September 22, 2020

Time: 10:30 a.m. PT

Telephone: 509-353-3183

I, Mark D. Waldron, declare as follows:

1. I submit this declaration in my capacity as the duly-appointed Chapter 11 Trustee in the bankruptcy case of the above-captioned debtor ("Debtor") and in support of the *Trustee's Motion for Order Enlarging Time to Oppose Motion for Approval of Condominium Sale* (the "Rule 9006 Motion"). Unless otherwise

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1 defined herein, capitalized terms have the meanings ascribed to them in the Rule
2 9006 Motion. The statements set forth herein are based on my investigation of the
3 Debtor's affairs, which is ongoing, and, except where otherwise noted, are based
4 on personal knowledge. If called as a witness, I would and could competently
5 testify thereto. When the pronoun "I" is used herein, it refers to Mark D. Waldron
6 in the official capacity as the Trustee working on behalf of the estate, and not in
7 any personal capacity.

8 2. By the Rule 9006 Motion, I am respectfully requesting that the Court
9 extend by four days the deadline of interested parties to respond to the Sale
10 Motion. The new deadline would be moved from Monday, September 14, 2020 to
11 Friday, September 18, 2020. Objections to this Rule 9006 Motion would be due at
12 the telephonic hearing on the Sale Motion, which is scheduled for Tuesday,
13 September 22, 2020 at 10:30 a.m. PT.

14 3. Pursuant to the Addenda filed herewith, the date to close the Sale is
15 extended from September 30, 2020 to October 30, 2020. A true and correct copy
16 of this change to the Agreement is attached to the Addenda as Exhibit 1. Further,
17 the Purchase Price of the Condo is reduced from \$315,000 to \$277,500. A true
18 and correct copy of this change to the Agreement is attached to the Addenda as
19 Exhibit 2.

20 4. The bidding procedures will remain the same other than that the
21 starting price is \$277,500.

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1 5. The Buyers have informed me that their prospective lender denied
2 their financing application after learning of litigation between the Condo's
3 Homeowners' Association and the developer and after asserting certain
4 construction defects in the Condo. The Buyers have since applied for financing
5 with a different lender, but will only purchase the Condo for \$277,500.

6 6. Before the Addenda, the sale would have triggered an administrative
7 claim in favor of David Carlson of \$25,000, pursuant to the Court-approved
8 settlement with Carlson. Thus, the net price would have been approximately
9 \$290,000, excluding fees and taxes. (The administrative claim would have been
10 paid *pro rata* with other administrative and therefore not necessarily in full.) The
11 new price of \$277,5000 does not trigger the administrative claim. Therefore, the
12 net price reduction is approximately \$13,500, excluding fees and taxes.

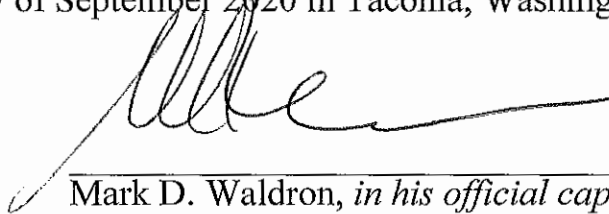
13 7. In my judgment, extending the objection deadline while keeping the
14 same hearing date would providing extra time for interested parties to consider
15 these revisions while also allowing the estate to preserve the opportunity to close
16 this Sale. I have not received a better offer and I do not believe that keeping the
17 Condo on the market will result in a higher price in light of the litigation and
18 construction problems.

19 8. I intend to serve upon the MML notice ("Notice") of the Rule 9006
20 Motion and of the Addenda in substantially the form attached to the Rule 9006
21 Motion as Exhibit A.

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1 To the best of my knowledge, I declare under penalty of perjury that the
2 foregoing is true and correct.

3 Executed this 10th day of September 2020 in Tacoma, Washington.

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6 Mark D. Waldron, *in his official capacity as*
7 *Chapter 11 Trustee*

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